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UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF DELAWARE

AUTOMATED TRANSACTIONS LLC, : CA NO. 06-43-SLR
: March 9, 2011
:
Plaintiff-Counterclaim : 2:00 O'clock p.m.
Defendant, :
:
v. :
:
IYG HOLDING CO., 7-ELEVEN, :
INC., VCOM FINANCIAL :
SERVICES, INC., and
CARDTRONICS USA, INC.,
Defendants-Counterclaimants,
.....

TRANSCRIPT OF TELEPHONE CONFERENCE
BEFORE THE HONORABLE SUE L. ROBINSON
UNITED STATES DISTRICT COURT JUDGE

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APPEARANCES:

For the Plaintiff: POTTER, ANDERSON & CORROON

BY: DAVID E. MOORE, ESQ

-and-

HOGAN LOVELLS US LLP

BY: ERIC J. LOBENFELD, ESQ

For the Defendants: RICHARDS, LAYTON & FINGER

BY: KELLY E. FARNAN, ESQ

-and-

TROUTMAN SANDERS LLP

BY: ALBERT L. JACOBS, JR., ESQ

Court Reporter:

LEONARD A. DIBBS

Official Court Reporter

1 P R O C E E D I N G S

2 THE COURT: Counsel, this is Judge Robinson, and Len is
3 here as our court reporter.

4 You need to identify yourselves when you speak so the
5 record is clear. I frankly published this a little before I
6 usually do because undoubtedly you'll gift me with motions for
7 reconsideration, which I don't appreciate. But if you actually
8 -- if this deposition might go forward despite my decision, then
9 I'm happy to hear your argument and then make a decision on that
10 issue and only on that issue.

11 So whoever wants to speak may they may jump in.

12 MR. JACOBS: Your honor, I'll jump in, Albert Jacobs,
13 Jr.

14 The reason we want to take Mr. Andreadis' deposition is
15 two fold. One, we've had him on our witness list by deposition
16 for about the last four, five months. He's been living in
17 Greece. He's extremely ill. He has had two heart attacks.
18 He's got two stents in. He has had triple or quadruple bypass
19 and has had insuline injections regularly for his diabetes.

20 We would like to perpetuate his testimony since the
21 case appears at the moment likely to be headed to the Federal
22 Circuit.

23 I cannot give the court assurance that Mr. Andreadis
24 will be alive two weeks from now. And this is the first
25 available time we could take him.

1 I personally have been involved in trying to negotiate
2 with his attorney a time when he could come over with his wife
3 who is his care giver and watch over his health to be deposed.
4 And we finally arranged it less than a week ago. We immediately
5 notified the other side.

6 We hope to take his testimony simply to preserve his
7 testimony in the event that he's no longer with us, you know,
8 following a Federal Circuit appeal.

9 THE COURT: All right. Makes some sense to me.

10 Mr. Lobenfeld, Mr. Moore?

11 MR. LOBENFELD: I'm hesitant to say this.

12 All I can say, your Honor, the guy has been in there
13 initial disclosures since 2006.

14 He's a part owner of the plaintiff. So he has both a
15 financial interest and a strong interest in it.

16 I can't argue with Mr. Jacobs about his health.

17 I take what Mr. Jacobs has said at face value. I
18 accept it. The case is over. It just seems to me since we
19 shouldn't be taking depositions in cases that are over. For
20 that reason, we would say you should not order the deposition to
21 go forward.

22 THE COURT: Well, of course, it's over momentarily.

23 If the Federal Circuit disagrees with any number of my
24 decisions, it might not be over, then we've lost some --
25 potentially some evidence.

1 So, unless you're telling me you all are going to
2 settle the case, it's not going to be appealed, then I'd say we
3 need to preserve this testimony.

4 Mr. Lobenfeld, I take it you're not suggesting that
5 it's not going to be appealed and that there is no chance that
6 the Federal Circuit could disagree with me?

7 MR. LOBENFELD: Respectfully, your Honor. It is
8 wonderful and I would be shocked to disagree with you. I can't
9 say that with a straight face.

10 I understand -- candidly, I understand what your Honor
11 is saying. I'm not going to argue it further.

12 THE COURT: Hopefully, you can work out the logistics,
13 if you can't, I will certainly be here.

14 I guess as soon as you actually have had time to digest
15 the decision, clearly either want to forward with some part of
16 this trial or not, you should let me know so I can free up my
17 calendar for other cases.

18 If there's nothing further, I appreciate your time this
19 afternoon.

20 MS. FARNAN: Your honor, we were to file our Pretrial
21 Order today. I think frankly that's probably going to be
22 obviated. I just hesitate to not file anything without the
23 court's permission.

24 I just wonder, you know, I guess we can get back in
25 touch with you if we need to file anything, but to be relieved

1 from that filing obligation today.

2 THE COURT: That makes sense unless there is some
3 disagreement by counsel for plaintiff.

4 MR. JACOBS: That makes sense, your Honor.

5 I would simply add Mr. Lobenfeld and I spoke a little
6 earlier today, we plan to speak tomorrow. Hopefully, we'll be
7 in a position to come back to the court with a more definitive
8 response about whether there is anything left to be tried or
9 not.

10 MR. LOBENFELD: I agree with that.

11 THE COURT: All right.

12 Thank you very much, counsel.

13 Mr. Lobenfeld, you always make me laugh. I appreciate
14 that. Have a real good day, counsel.

15 (At this time, the teleconference concluded.)
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